

FILED
U.S. DISTRICT COURT

2019 OCT 10 A 10:43

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

CHRISTOPHER ENRIQUE RIOS,

Plaintiff,

v.

DAVIS COUNTY JAIL et al.,

Defendants.

ORDER

Case No. 1:19-CV-114-TC

District Judge Tena Campbell

Plaintiff, Christopher Enrique Rios, submitted a *pro se* prisoner civil- rights complaint.¹ The filing fee is \$350.² However, Plaintiff asserts an inability to prepay it. Plaintiff thus applies to proceed without prepaying the filing fee and submits a supporting affidavit.³

The Court grants Plaintiff's application to proceed without prepaying the filing fee. Even so, Plaintiff must eventually pay the full \$350.00 fee.⁴ A plaintiff must typically start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his/her inmate] account . . . or . . . the average monthly balance in [his/her inmate] account for the 6-month period immediately preceding the filing of the complaint."⁵ However, Plaintiff's inmate account records show no funds; the Court thus waives the initial partial filing fee.

Plaintiff must still complete the attached "Consent to Collection of Fees" form and submit the original to the inmate funds accounting office and a copy to the Court within thirty

¹See 42 U.S.C.S. § 1983 (2019).

²See 28 *id.* § 1914(a).

³See *id.* § 1915(a).

⁴See *id.* § 1915(b)(1).

⁵*Id.*

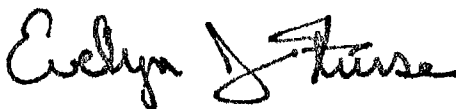
days so the Court may eventually collect the entire filing fee Plaintiff owes. Plaintiff is notified that pursuant to Plaintiff's consent form submitted to this Court, Plaintiff's correctional institution will make monthly payments from Plaintiff's inmate account of twenty percent of the preceding month's income credited to Plaintiff's account.

IT IS THEREFORE ORDERED that:

- (1) Plaintiff may proceed without prepaying his/her filing fee and without paying an initial partial filing fee.
- (2) Plaintiff must still eventually pay \$350.00, the full amount of the filing fee.
- (3) Plaintiff must make monthly payments of twenty percent of the preceding month's income credited to Plaintiff's account.
- (4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office or other appropriate office at his/her correctional facility.
- (5) Plaintiff shall complete the consent to collection of fees and submit it to the inmate funds accounting office at his/her correctional facility and also submit a copy of the signed consent to this Court within thirty days from the date of this Order or the complaint will be dismissed.

DATED this 9th day of October, 2019.

BY THE COURT:



MAGISTRATE JUDGE EVELYN J. FURSE
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Christopher Enrique Rios (Case No. 1:19-CV-114-TC), understand that even though the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is later dismissed.

I further consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 351 South West Temple, Rm. 1.100, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Christopher Enrique Rios